

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office
on the date shown below

Loretta J. Henderson

Type Name of Person Signing Certificate

[Signature]
Signature

DEC. 10, 2002
Date

Attorney Docket No.: P32181

Applicant for : K. Lewis, et al.
Appl. No. : 09/831,650
Filed : 11 May 2001
Title of Invention : Pharmaceutical Composition for Modified Release of an Insulin
Sensitizer and Another Antidiabetic Agent

Honorable Commissioner of Patents
Washington, D.C. 20231
Fax No.: 703-746-3408

COMMUNICATION REQUESTING

WITHDRAWAL OF NOTICE OF ABANDONMENT

Dear Sir:

This Communication is in response to a Notice of Abandonment mailed November 13, 2002, for Applicants' alleged failure to respond to the Notification of Missing Requirements, mailed October 19, 2001. Applicants respectfully request that the Notice of Abandonment be withdrawn since it is not their intention to abandon this application. Indeed, a proper response was made to the Notification of Missing Requirements on January 7, 2002.

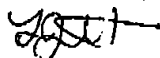
As evidence of Applicants' response, transmitted herewith is the following documentation:

- (1) a copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/O/US);
- (2) a copy of the response transmittal letter, which includes a petition for a one (1) month extension of time for response;
- (3) a copy of the Recordation Form Cover Sheet and executed assignment;
- (4) a copy of the Declaration; and
- (5) a copy of the postcard date stamped by the USPTO mailroom on January 7, 2002, indicating that items 2 through 4 were received.

Appl. No. 09/831,650
Date Filed: 11 May 2001

Based on the foregoing documentation and explanation, Applicants respectfully request that the Notice of Abandonment be withdrawn and that the application be prosecuted on the merits.

Respectfully submitted,



Loretta J. Henderson
Attorney for Applicants
Registration No. 37,347

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N:\Loretta\Applications\VP3\VP32181\commun.doc

CC: KR

U.S. APPLICATION NUMBER NO.		
09/831,650		
FIRST NAMED APPLICANT		ATTY. DOCKET NO.
Karen Lewis		P32181

Yuriy P Stercho
 Glaxosmithkline
 Corporate Intellectual Property UW 2220
 PO Box 1539
 King Of Prussia, PA 19406-0939

INTERNATIONAL APPLICATION NO.	
PCT/EP99/08704	
LA. FILING DATE	PRIORITY DATE
11/08/1999	11/12/1998

CONFIRMATION NO. 3698
 371 FORMALITIES LETTER
 OC00000006926181

Date Mailed: 10/19/2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination

RECEIVED
 2001 OCT 29 10 12

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

TAMALA D HOLLAND

Telephone: (703) 305-5483

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPL. CATION NO.	ATTY DOCKET NO.
09/831,650	PCT/EP99/08704	P32181

PATENT
ATTORNEY'S DOCKET NUMBER P32181TRANSMITTAL LETTER TO THE U.S. DESIGNATED/ELECTED OFFICE
(DO/EO/US) - CONCERNING A FILING UNDER 35 U.S.C 371

INTERNATIONAL APP. NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/EP99/08704	08 November 1999	12 November 1998

TITLE OF INVENTION
PHARMACEUTICAL COMPOSITION FOR MODIFIED RELEASE OF AN INSULIN
SENSITISER AND ANOTHER ANTIDIABETIC AGENT

APPLICANT(S) FOR DO/US

Karen LEWIS, Nicola Jayne LILLIOTT, Donald Colin MACKENSIE and Vincent RE

Box PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

ATTENTION: DO/US

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter, Form PTO 1390 and the papers indicated as being transmitted therewith, and Post Card are being deposited with the United States Postal Service on this date 07 January 2002 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV000522982US addressed to the: Assistant Commissioner for Patents, Washington, D C. 20231.

Elsa Matos
(Typed or printed name of person mailing paper)

EV000522982US

Elsa Matos
(Signature of person mailing paper)



20462

PATENT TRADEMARK OFFICE

Form FTU 1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 5-95)		ATTORNEY'S DOCKET NUMBER P32181
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED / ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 09/077,263
INTERNATIONAL APPLICATION NO. PCT/EP99/08704	INTERNATIONAL FILING DATE 08 November 1999	PRIORITY DATE CLAIMED 12 November 1998
TITLE OF INVENTION PHARMACEUTICAL COMPOSITION FOR MODIFIED RELEASE OF AN INSULIN SENSITISER AND ANOTHER ANTIDIABETIC AGENT		
APPLICANT(S) FOR DO/EO/US Karen LEWIS, Nicola Jayne LILLIOTT, Donald Colin MACKENSIE and Vincent RE		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ Please amend the specification by inserting before the first line the sentence:
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☐ An Abstract on a separate sheet of paper.
19. ☐ Other items or information:

US APPLICATION NO. (if known see 37 CFR 1.50) 09/077,263		INTERNATIONAL APPLICATION NO. PCT/EP99/08704		ATTORNEYS DOCKET NO. P32181	
20. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY	
(x)	one month extension.....		\$ 110		
()	two months extension.....		\$ 400		
()	three months extension.....		\$ 920		
()	four months extension (not beyond statutory time period).....		\$1,440		
()	fifth month extension.....		\$1,960		
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$110.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 0 20 o 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00	
Claims	Number Filed	Number Extra	Rate		
Total claims	- 20 =	0	0 x \$18.00	\$0.00	
Independent claims	- 3 =	0	0 x \$84.00	\$0.00	
Multiple dependent claims (if applicable)			+ \$280.00	\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$240.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$	
SUBTOTAL =				\$240.00	
Processing fee of \$130.00 for furnishing the English translation later than 0 20 o 30 months from the earliest claimed priority date (37 CFR 1.492(f)) +				\$	
TOTAL NATIONAL FEE =				\$240.00	
				Amount to be refunded	\$
				charged	\$

- a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 19-2570 in the amount of **\$240.00** to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-257. A duplicate copy of this sheet is enclosed.
- d. ☒ General authorization to charge any and all fees under 37 CFR 1.16 or 1.17, including petitions for extension of time relating to this application. (37 CFR 1.136 (a)(3)).

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

GLAXOSMITHKLINE

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SIGNATURE

Yuriy P. Stercho, Ph.D.

NAME

33,797

REGISTRATION NO.

12/18/2002 THOLLAND 00000001 192570 09831650

01 FC:1251 110.00 CH

02 FC:1617 130.00 CH

DOCKET No. P32181 Date Mailed 1-7-02 Atty/Secy 4 Stencho/et
 MAILING: CERTIFICATE/EXPRESS MAIL # EV 000522982 US
 U.S. Serial No.: 091077.263 Filing Date: _____
 Int'l App. No.: PCT/EP99/08704 Int'l Filing Date: 08 NOV. 1999

RECEIPT IS ACKNOWLEDGED FOR THE FOLLOWING:

- | | |
|--|---|
| <input type="checkbox"/> Application Transmittal for: | <input type="checkbox"/> Statement to Support Filing |
| <input type="checkbox"/> Provisional <input type="checkbox"/> Utility/Continuation or <input type="checkbox"/> CPA | <input type="checkbox"/> Diskette |
| <input checked="" type="checkbox"/> Dec. & Power of Atty <u>6</u> pages (Signed) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Specification _____ pages <input type="checkbox"/> Abstract _____ pgs | <input type="checkbox"/> Appeal Brief _____ pages |
| <input type="checkbox"/> Drawings _____ Sheet(s)/Figs _____ to _____ | <input type="checkbox"/> Petition _____ pgs. |
| <input checked="" type="checkbox"/> Assignment: <u>2</u> pages & Recordation Cover Sheet | <input type="checkbox"/> Status Request |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Issue Fee Trans. (Part B) |
| <input type="checkbox"/> PTO-1449 _____ References | <input type="checkbox"/> Priority Document |
| <input type="checkbox"/> Amendment/Response _____ pages | <input type="checkbox"/> Trans. Ltr Nat'l Stage Entry |
| <input type="checkbox"/> Petition for Extension of Time plus 2 copies | <input checked="" type="checkbox"/> Nat'l Stage (2nd sub) |
| <input type="checkbox"/> Affidavit / Declaration _____ pages | <input type="checkbox"/> Req. to Correct Filing Recpt |
| <input type="checkbox"/> Copy of Notice to File Missing Part | <input type="checkbox"/> Copy of Filing Receipt |
| <input type="checkbox"/> Copy of Notice to Comply | <input type="checkbox"/> Resp. to Written Opinion |
| <input checked="" type="checkbox"/> Authorization to Charge Dep. Acct. # <u>19-2570</u> | <input type="checkbox"/> Correct Defects _____ pages |
| <input type="checkbox"/> | |

JC14 Rec'd PCT/PTO 07 JAN 2002

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